REPRESENTING YOURSELF IN A CIVIL CASE:

A GUIDE FOR THE PRO SE LITIGANT

DISCLAIMER: THIS GUIDE IS NOT LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR HIRING AN ATTORNEY TO REPRESENT YOU.

INTRODUCTION

This guide is intended to help a person who wants to file or defend a civil case in the United States District Court for the Eastern District of North Carolina ("the District") without an attorney. This guide is not intended for prisoner litigation.

Someone who represents herself or himself in a lawsuit is often referred to as a *pro se* party or *pro se* litigant (pronounced "pro say"). If you are a *pro se* litigant, this guide may aid you in understanding some of the legal words you are likely to hear as your case proceeds. It also explains basic steps in the court process and refers you to a few legal resources you may wish to consult. This guide will not answer all your questions about what you need to do to represent yourself. This guide is not legal advice and is not a substitute for an attorney. Also, you should keep in mind that this guide is not binding and that the judge may have different practices or preferences that you must follow. It is strongly recommended that you seek the assistance of a lawyer to make sure your case is properly prepared and filed. Unlike in a criminal case, the court will not provide an attorney for you simply because you cannot afford representation.

The staff of the Clerk's Office, or deputy clerks, can answer general questions about procedures. They are not allowed to fill out any forms for you or to give you free copies of documents. The deputy clerks cannot give you legal advice. This means, for example, that the Clerk's staff cannot do any of the following:

- recommend a legal course of action or suggest ways to help you win your case;
- predict how or when a district or magistrate judge may decide any issue;
- interpret the meaning of any judicial order;
- interpret the law or federal or local rules;
- calculate response times or deadlines; or
- conduct legal research.

The rules and procedures that a party must follow in a civil case may be difficult to understand. You should seriously consider the risks of representing yourself and the benefits of obtaining professional legal assistance. If you decide to represent yourself, you are responsible for learning about and following the Federal Rules of Civil Procedure, the Local Rules of Practice and Procedure, and the law. The court generally expects you to follow its rules and the law, even though you are not a lawyer.

You are encouraged to read this guide completely because it contains important information that you should know.

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WARNING: Rule 11 of the Federal Rules of Civil Procedure prohibits you from filing a lawsuit that is clearly frivolous or filed merely to harass someone. If after reviewing your complaint, the court determines that you have filed a lawsuit for an improper or clearly unnecessary purpose, it may impose sanctions against you. Other rules of civil procedure allow that if you lose your case, you may be required to pay some of the costs that the winning party incurred in the lawsuit.

WEBSITE

The District's website address is: http://www.nced.uscourts.gov/. The website contains the Federal Rules of Civil Procedure, the Local Rules of Practice and Procedure, and other useful information. You will also find samples of all of the forms mentioned in this guide on the website.

DEFINITIONS OF COMMON LEGAL WORDS

***AS DEFINED BY THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS**
HTTP://WWW.USCOURTS.GOV/COMMON/GLOSSARY.ASPX

Answer	The formal written statement by a defendant in a civil case that responds to a complaint, articulating the grounds for defense.
Brief	A written statement submitted in a trial or appellate proceeding that explains one side's legal and factual arguments.
Clerk of Court	The court officer who oversees administrative functions, especially managing the flow of cases through the court. The clerk's office is often called a court's central nervous system.
Complaint	A written statement that begins a civil lawsuit, in which the plaintiff details the claims against the defendant.
Counsel	Legal advice; a term also used to refer to the lawyers in a case.
Damages	Money that a defendant pays a plaintiff in a civil case if the plaintiff has won. Damages may be compensatory (for loss or injury) or punitive (to punish and deter future misconduct).
Default judgment	A judgment awarding a plaintiff the relief sought in the complaint because the defendant has failed to appear in court or otherwise respond to the complaint.
Defendant	An individual (or business) against whom a lawsuit is filed.
Discovery	Procedures used to obtain disclosure of evidence before trial.
District judge	A federal judge who is appointed under Article III of the Constitution. Article III judges are nominated by the President and confirmed by the Senate.
Docket	A log containing the complete history of each case in the form of brief chronological entries summarizing the court proceedings.
File	To place a paper in the official custody of the clerk of court to enter into the files or records of the case.
In forma pauperis	"In the manner of a pauper." Permission given by the court to a person to file a case without payment of the required court fees because the person cannot pay them.
Interrogatories	A form of discovery consisting of written questions to be answered in writing and under oath.
Judgment	The official decision of a court finally resolving the dispute between the parties to the lawsuit.

Jurisdiction	The legal authority of a court to hear and decide a certain type of case. It also is used as a synonym for venue, meaning the geographic area over which the court has territorial jurisdiction to decide cases.
Lawsuit	A legal action started by a plaintiff against a defendant based on a complaint that the defendant failed to perform a legal duty which resulted in harm to the plaintiff.
Litigation	A case, controversy, or lawsuit. Participants (plaintiffs and defendants) in lawsuits are called litigants.
Magistrate judge	A judicial officer of a district court who conducts initial proceedings in criminal cases, decides criminal misdemeanor cases, conducts many pretrial civil and criminal matters on behalf of district judges, and decides civil cases with the consent of the parties.
Moot	Not subject to a court ruling because the controversy has not actually arisen, or has ended.
Motion	A request by a litigant to a judge for a decision on an issue relating to the case.
Plaintiff	A person or business that files a formal complaint with the court.
Pleadings	Written statements filed with the court that describe a party's legal or factual assertions about the case.
Sanction	A penalty or other type of enforcement used to bring about compliance with the law or with rules and regulations.
Service of Process	The delivery of writs or summonses to the appropriate party.
Settlement	Parties to a lawsuit resolve their dispute without having a trial. Settlements often involve the payment of compensation by one party in at least partial satisfaction of the other party's claims, but usually do not include the admission of fault.
Summary Judgment	A decision made on the basis of statements and evidence presented for the record without a trial. It is used when it is not necessary to resolve any factual disputes in the case. Summary judgment is granted when – on the undisputed facts in the record – one party is entitled to judgment as a matter of law.

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I.(a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.)**

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: Nature of Suit Code Descriptions.

V. Origin. Place an "X" in one of the seven boxes.
Original Proceedings. (1) Cases which originate in the United States district courts.
Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related cases, if any. If there are related cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Civil Nature of Suit Code Descriptions
(Rev. 12/22)

Contract

Code	Title	Description
110	Insurance	Action alleging breach of insurance contract, tort claim, or other cause related to an insurance contract, except for maritime insurance.
120	Marine	Action (Admiralty or Maritime) based on service, employment, insurance, or other contracts relating to maritime vessels and other maritime contractual matters.
130	Miller Act	Action based on performance and payment bonds agreed to by contractors on federal construction projects as required under the Miller Act, 40 U.S.C. § 3131-3134.
140	Negotiable Instrument	Action relating to an agreement to pay a specific amount of money, including promissory notes, loan agreements and checks.
150	Recovery of Overpayment & Enforcement Judgment	Action to recover debt owed to the United States, including enforcement of judgments, based on overpayments and restitution agreements involving matters other than Medicare benefits, student loans and veterans' benefits.
151	Medicare Act	Action relating to Medicare payments, including actions for payments of benefits, to recover overpayments, and for judicial review of administrative decisions.
152	Recovery of Defaulted Student Loans (Excludes Veterans)	Action to recover debt owed to the United States from defaulted student loan.
153	Recovery of Overpayment of Veterans' Benefits	Action relating to payments of veterans' benefits, primarily including actions to recover overpayments.
160	Stockholders' Suits	Action brought by stockholder(s) of a corporation (including both stockholder derivative suits and direct actions based on plaintiff's rights as a stockholder), usually alleging claims based on contract and/or tort law and/or fiduciary obligations.
190	Other Contract	Action primarily based on rights and obligations under a contract not classifiable elsewhere under the specific natures of suit under "Contract."
195	Contract Product Liability Actions primarily alleging personal injury or property damage caused by a defective product should be classified under the appropriate nature of suit code under "TORTS."	Action concerning damages caused by a defective product, not primarily involving personal injury or property damage, and based primarily on breach of contract, breach of warranty, misrepresentation, and/or violation of consumer protection laws.
196	Franchise	Action arising from a dispute over a franchise agreement, typically alleging breach of contract, misrepresentation, or unfair trade practices.

Civil Nature of Suit Code Descriptions
(Rev. 12/22)

Real Property

Code	Title	Description
210	Land Condemnation	Action by a governmental entity to take privately-owned real property (land or buildings) for public use of compensation.
220	Foreclosure	Action to enjoin foreclosure on real property by mortgage lender.
230	Rent Lease & Ejectment	Action for rental or lease payments owed on real property and/or to eject a party occupying real property illegally.
240	Torts to Land	Action alleging trespass to land, nuisance, contamination, or other unlawful entry on or interference with real property possessed by another.
245	Tort Product Liability	Action alleging harm by an unsafe product based on negligence, breach or warranty, misrepresentation, and strict tort liability.
290	All Other Real Property	Action primarily based on unlawful conduct relating to real property that cannot be classified under any other nature of suit.

Torts/Personal Injury

Code	Title	Description
310	Airplane (Excludes airplane product liability claims)	Action alleging personal injury or wrongful death from an air crash or other occurrence involving an airplane.
315	Airplane Product Liability	Action alleging personal injury or death from an air crash or other occurrence involving an airplane and caused by a defective product.
320	Assault, Libel & Slander (Excludes a government employee)	Action alleging intentional acts of assault, libel, trade libel or slander by a private party.
330	Federal Employers' Liability	Action for personal injury or wrongful death brought by a railroad employee or his survivors under the Federal Employers' Liability Act (FELA), 45 U.S.C. § 51, et seq.
340	Marine (Excludes marine product liability claims)	Action (Admiralty and Maritime) alleging personal injury or death from an accident involving a water vessel or harbor/dock facilities, including suits brought under the Jones Act and the Limitation of Liability Act.
345	Marine Product Liability	Action (Admiralty and Maritime) alleging personal injury or wrongful death from an accident involving a water vessel or harbor/dock facilities and caused by a defective product.
350	Motor Vehicle	Action alleging personal injury or wrongful death from negligence involving a motor vehicle but not caused by a defective product.

Civil Nature of Suit Code Descriptions
(Rev. 12/22)

Torts/Personal Injury (continued)

Code	Title	Description
355	**Motor Vehicle Product Liability**	Action alleging personal injury or wrongful death involving a motor vehicle and caused by a defective product.
360	**Other Personal Injury**	Action primarily based on personal injury or death caused by negligence or intentional misconduct, including suits brought against the United States under the Federal Tort Claims Act, and which cannot be classified under any other nature of suit.
362	**Personal Injury – Medical Malpractice**	Action alleging personal injury or wrongful death caused by negligence in medical care provided by a doctor or other health care professional.
365	**Personal Injury – Product Liability** (Excludes a marine or airplane product)	Action alleging personal injury or death resulting from a defective product.
367	**Health Care/Pharmaceutical Personal Injury Product Liability**	Action alleging personal injury or death caused by a defective medical or pharmaceutical product.
368	**Asbestos Personal Injury Product Liability**	Action alleging personal injury or death caused by exposure to asbestos products.

Personal Property

Code	Title	Description
370	**Other Fraud** (Includes any property that is not real property)	Action primarily based on fraud relating to personal property that cannot be classified under any other nature of suit.
371	**Truth in Lending** Actions relating to fraud or misrepresentation in the transfer of real property should be classified under nature of suit 290, "All other Real Property," or, if foreclosure is involved, under nature of suit 220, "Foreclosure."	Action alleging violation of the federal Truth in Lending Act arising from consumer loan transactions involving personal property including automobile loans and revolving credit accounts.
380	**Other Personal Property Damage**	Action primarily based on damage to personal property caused by harmful conduct such as negligence, misrepresentation, interference with business relationships or unfair trade practices.
385	**Property Damage Product Liability**	Action alleging damage to personal property caused by a defective product.

Civil Nature of Suit Code Descriptions
(Rev. 12/22)

Civil Rights

Code	Title	Description
440	**Other Civil Rights** (Excludes claims against corrections officials)	Action alleging a civil rights violation other than the specific civil rights categories listed below or a violation related to prison. Example: Action alleging excessive force by police incident to an arrest.
441	**Voting**	Action filed under Civil Rights Act, 52 U.S.C. § 10101, and Voting Rights Act, 52 U.S.C. § 10301.
442	**Employment**	Action filed under Age Discrimination in Employment Act 29:621:634, Equal Employment Opportunity Act (Title VII) 42:2000E, Performance Rating Act of 1950 5:4303.
443	**Housing/Accommodations**	Action filed under the Fair Housing Act (Title VII). 42 U.S.C. § 3601 & 3602.
445	**Americans With Disabilities – Employment**	Action of discrimination against an employee with disabilities of any type in the workplace, filed under 42 U.S.C. § 12117.
446	**Americans With Disabilities – Other**	Action of discrimination against an individual with disabilities in areas other than employment, filed under 42 U.S.C. § 12133 (exclusion or discrimination in provision of services, programs, or activities of a public entity) or 42 U.S.C. § 12188 (public accommodations).
448	**Education**	Action filed under the individuals with Disabilities Educations Act, 20 U.S.C. § 1401 and Title IX of the Education Amendment of 1972, 20 U.S.C. § 1681 et. seq.

Prisoner Petitions/Habeas Corpus

Code	Title	Description
463	**Alien Detainee**	Immigration habeas petition under 28 U.S.C. § 2241. All cases filed with this nature of suit code are restricted to case participants and public terminals. Petition is filed by an alien detainee.
510	**Motions to Vacate Sentence**	Action by a prisoner to vacate or modify a sentence imposed in federal court, other than a death sentence, under 28 U.S.C. § 2255.
530	**General**	Action by a federal or state prisoner currently in custody challenging the legality of confinement or other punishment. This includes claims alleging illegalities that occurred in trial (for example, ineffective assistance of counsel), sentencing (including fines and restitution orders), or disciplinary proceedings in prison (for example, loss of good time credits). Habeas petition under 28 U.S.C. § 2254, or prisoner habeas under 28 U.S.C. § 2241.
535	**Death Penalty**	Action by a federal or state prisoner challenging a death sentence.

Prisoner Petitions/Other

Code	Title	Description
540	Mandamus & Other	Action by prisoner currently in custody for a writ of mandamus to compel action by a judge or government official relating to the prisoner's confinement, including conditions of confinement. This category also includes any actions other than mandamus brought by a prisoner currently in custody, whether or not it relates to his confinement if it is not classifiable under any other nature of suit category under Prisoner Petitions (for example, action by prisoner to recover property taken by the government in a criminal case).
550	Civil Rights	Action by current or former prisoner alleging a civil rights violation by corrections officials that is not related to a condition of prison life.
555	Prison Condition	Action by current prisoner, or former prisoner or their families alleging a civil rights, Federal Tort Claims Act, or state law claim with respect to a condition of prison life, whether general circumstances or particular episodes. Examples: inadequate medical care or excessive force by prison guards. Includes non-habeas actions by alien detainees alleging unlawful prison conditions.
560	Civil Detainee – Conditions of Confinement (Excludes actions by alien detainees)	Action by former prisoner who was involuntarily committed to a non-criminal facility after expiration of his or her prison term alleging unlawful conditions of confinement while in the non-criminal facility. This category includes, for example, an action by a former prisoner classified as a Sexually Dangerous person or Sexually Violent Predator alleging civil rights violations during his detention in a medical facility.

Forfeiture/Penalty

Code	Title	Description
625	Drug Related Seizure of Property 21 U.S.C. § 881	Action (Forfeiture) by which property itself is accused of wrongdoing and is forfeited to the government as a result.
690	Other	Action primarily based on Acts or Bills that cannot be classified under any other nature of suit, such as: Endangered Species Act, Federal Hazardous Substance Act 15:1261, Game & Wildlife Act 15:256C et. seq. (Penalty), Federal Trade Commission Act 15:41-51 (Penalty), Federal Coal Mine Health & Safety Act 30:801 et. seq. (Penalty), Load Line Act 46:85-85G, McGuire Bill (Federal Fair Trade) 15:45L Penalty, Marihuana Tax Act 50 Stat. 551, Motorboat Act 46:526-526T, National Traffic & Motor Vehicle Safety Act penalty 46:1655, Veterans' Benefit Act, Title 38 Penalty.

Labor

Code	Title	Description
710	Fair Labor Standards Act (Non-Union)	Action relating to non-union workplace related disputes filed under the Fair Labor Standards Act, 29 U.S.C. § 201 including but not limited to wage discrimination, paid leave, minimum wage and overtime pay.

Labor (continued)

Code	Title	Description
720	Labor/Management Relations (Union)	Action relating to disputes between labor unions and employers as well as all petitions regarding actions of the Nation Labor Relations Board (NLRB).
740	Railway Labor Act	Action relating to disputes filed under the Railway Labor Act, 45 U.S.C. § 151 including labor disputes, individual claims, and response to sanctions.
751	Family and Medical Leave Act	Action filed under the Family Medical Leave Act, 29 U.S.C. § 2601.
790	Other Labor Litigation	Action primarily based on labor disputes not addressed by other NOS codes (includes Labor/Management Reporting and Disclosure Act).
791	Employee Retirement Income Security Act	Action filed under the Employee Retirement Income Security Act, 29 U.S.C. § 1132 by individuals and labor organizations.

Immigration

Code	Title	Description
462	Naturalization Application	Action seeking review of denial of an application for naturalization [8 U.S.C. § 1447(b)] or alleging failure to make a determination regarding an application for naturalization [8 U.S.C. § 1421(c)].
465	Other Immigration Actions	Action (Immigration-related) that do not involve Naturalization Applications or petitions for Writ of Habeas Corpus, such as complaints alleging failure to adjudicate an application to adjust immigration status to permanent resident.

Bankruptcy

Code	Title	Description
422	Appeal 28 U.S.C. § 158	All appeals of previous bankruptcy decisions filed under 28 U.S.C. § 158.
423	Withdrawal of Reference 28 U.S.C. § 157	Action held in bankruptcy court requesting withdrawal under the provisions of 28 U.S.C. § 157.

Intellectual Property Rights

Code	Title	Description
820	Copyright	Action filed in support of to dispute a copyright claim.
830	Patent	Action filed in support of to dispute a patent claim.

Intellectual Property Rights (continued)

Code	Title	Description
835	Patent – Abbreviated New Drug Application (ANDA)	Action filed in support or to dispute a patent claim involving an Abbreviated New Drug Application (ANDA). These case are also known as "Hatch-Waxman" cases.
840	Trademark	Action filed in support or to dispute a trademark claim.
880	Defend Trade Secrets Act of 2016 (DTSA)	Action filed in support or to dispute a trade secret misappropriation.

Social Security

Code	Title	Description
861	HIA (1395ff)	Action filed with regard to social security benefits associated with Health Insurance Part A Medicare.
862	Black Lung (923)	Action filed with regard to social security benefits provided for those who contracted Black Lung or their beneficiaries.
863	DIWC/DIWW (405(g))	Action filed with regard to social security benefits provided to disabled individuals: worker or child, or widow.
864	SSID Title XVI	Action filed with regard to social security benefits provided to Supplemental Security Income Disability under Title XVI.
865	RSI (405(g))	Action filed with regard to social security benefits provided for Retirement, Survivor Insurance under 42 U.S.C. § 405.

Federal Tax Suits

Code	Title	Description
870	Taxes (U.S. Plaintiff or Defendant)	Action filed under the Internal Revenue Code (General).
871	IRS-Third Party 26 U.S.C. 7609	Action filed under the Internal Revenue Code – Tax Reform Act of 1976 (P.L. 94-455) Third Party.

Other Statutes

Code	Title	Description
375	False Claims Act	Action filed by U.S. Government, or private individuals alleging fraud against the U.S. Government under 31 U.S.C. § 3729.
376	Qui Tam (31 U.S.C. § 3729(a))	Action brought under the False Claims Act by private persons (also known as "whistleblowers") on their own behalf and on behalf of the United States to recover damages against another person or entity that acted fraudulently in receiving payments or property from, or avoiding debts owed to, the United States Government, 31 U.S.C. § 3730.

Civil Nature of Suit Code Descriptions
(Rev. 12/22)

Other Statutes (continued)

Code	Title	Description
400	State Reapportionment	Action filed under the Reapportionment Act of 1929 Ch. 28, 46 Stat. 21, 2 U.S.C. § 2a.
410	Antitrust	Action brought under the Clayton Act 15 U.S.C. § 12 – 27 alleging undue restriction of trade and commerce by designated methods that limit free competition in the marketplace amongst consumers such as anti-competitive price discrimination, corporate mergers, interlocking directorates or tying and exclusive dealing contracts.
430	Banks and Banking	Action filed under the Federal Home Loan Bank Act 12:1421-1449, Home Owners Loan Act 12:1461 or Federal Reserve Acts 12:142 et. seq.
450	Commerce	Action filed under the Interstate Commerce Acts 49:1 et. seq., 49:301.
460	Deportation	Action filed under the Immigration Acts (Habeas Corpus & Review) 8:1101/18:1546.
470	Racketeer Influenced and Corrupt Organizations	Racketeer influenced and Corrupt Organization Act, RICO 18:1961-1968.
480	Consumer Credit (15 U.S.C. 1681 or 1692)	Action filed under the Fair Credit Reporting Act, 15 U.S.C. 1681n or 15 U.S.C. 1681o, and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692k.
485	Telephone Consumer Protection Act (TCPA)	Action filed under the Telephone Consumer Protection Act 47 U.S.C. § 227.
490	Cable/Satellite TV	Action filed involving unauthorized reception of cable/satellite TV service under 47 U.S.C. § 553 (unauthorized reception of cable/satellite TV), or 47 U.S.C. § 605 (e)(3) (unauthorized use or publication of a communication).
850	Securities/Commodities/Exchange	Action filed under Small Business Investment Act 15:681, Securities Exchange Act 15:78, Securities Act 15:77, Investment Advisers Act 15:80B(1-21).
890	Other Statutory Actions	Action primarily based on Statutes that cannot be classified under any other nature of suit, such as: Foreign Agents Registration Act 22:611-621, Klamath Termination Act 25:564-564W-L, Federal Aid Highway Act 23:101-142, Federal Corrupt Practices Act 2:241-256, Federal Election Campaign Act, Highway Safety Act 23:401, Immigration & Nationality Act 8:1503, Natural Gas Pipeline Safety Act 49:1671-1700, Naturalization Acts 8:1421/18:911, 1015, 1421, et. seq., 3282 or Federal Aviation Act 49:1301 et. seq.
891	Agricultural Acts	Action filed under the Federal Crop Insurance Act 7:1501-1550, Commodity Credit Corporation Act 15:713A-L & 4.

Civil Nature of Suit Code Descriptions
(Rev. 12/22)

Other Statutes (continued)

Code	Title	Description
893	**Environmental Matters**	Action filed under Air Pollution Control Act 42:1857-57L, Clean Air Act 42:1857:57L, Federal Environment Pesticide Control Act, Federal Insecticide, Fungicide & Rodenticide Act 7:135, Federal Water Pollution Control Act 33:1151 et. seq., Land & Water Conservation Fund Act 16:4602, 4601-4, Motor Vehicle Air Pollution Control Act 42:1857F-1-8, National Environmental Policy Act 42:4321, 4331-35G, 4341-47, River & Harbor Act penalty 3:401-437, 1251.
895	**Freedom of Information Act**	Action filed under the Freedom of Information Act 5:552.
896	**Arbitration**	Action involving actions to confirm or modify arbitration awards filed under Title 9 of the U.S. Code.
899	**Administrative Procedure Act/Review or Appeal of Agency Decision**	Action filed under the Administrative Procedures Act, 5 U.S.C. § 701, or civil actions to review or appeal a federal agency decision.
950	**Constitutionality of State Statutes**	Action drawing into question the constitutionality of a federal or stat statute filed under (Rule 5.1). Rule 5.1 implements 28 U.S.C. § 2403.

Note: The statutes listed above are not all-inclusive, and other statues might be applicable to each nature of suit. Statutes that are included in the descriptions should be viewed as examples.

JS 44 (Rev. 03/24)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*

(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

V. ORIGIN *(Place an "X" in One Box Only)*

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

FILING A CIVIL CASE

WHAT DO YOU NEED TO GET STARTED?

To begin your lawsuit, you must file a **complaint**, civil cover sheet, disclosure of corporate affiliations (financial disclosure statement), notice of self-representation, and summons. You must also submit either the filing fee or an IFP application. You should complete each of these documents before you arrive at the Clerk's Office.

(1) Complaint – The complaint explains the reason for your lawsuit. You are encouraged to type your complaint. Handwritten complaints must be legible.

The District provides forms for employment discrimination (EEOC) and general complaints, as well as other documents you need to get started. You may obtain these forms at any staffed Clerk's Office and on the District's website.

Please note that the complaint forms contain numbered paragraphs. If possible, each paragraph should cover a separate point of your case. You are required to identify all **defendants** by name and address, state the reasons why you believe the court has **jurisdiction**, the facts you believe are sufficient to support a claim against each defendant, the claim or causes of action you are bringing against each defendant, and the relief sought. If you are requesting a jury trial, you must include your request in your complaint. *Each* plaintiff must sign and date all documents, print her or his name, and provide a current address and telephone number.

DO NOT *list a person's Social Security number, taxpayer-identification number, birth date, or financial-account number or the name of a minor child in your complaint or any other document filed with the court. If you believe that this personal identifying information is important to your case, you should list* ***only*** *the last four digits of any number, the year of the individual's birth, or the initials of the minor child. You should "black out" (redact) any personal identifying information before filing a document.*

You may file your papers by delivering or mailing them to any staffed Clerk's Office regardless of the division or judge to which the case is assigned. You may not file any documents by facsimile or e-mail without approval from the court.

(2) Civil cover sheet (**Form JS 44**) – You must submit a completed civil cover sheet and a copy for each defendant.

(3) Filing fee – You must submit the $405 civil filing and administrative fee or a fully completed original Application to Proceed in District Court without Prepaying Fees or Costs with a copy for each defendant (**Form AO 239**).

(4) Disclosure of Corporate Affiliations Statement – You must submit the original disclosure to the court with a copy for each defendant. See Federal Rule of Civil Procedure 7.1 and Local Civil Rule 7.3.

(5) Notice of Self-Representation – You must submit a completed and signed notice of self-representation if you are proceeding *pro se*.

(6) Summons (**Form AO 440**) – You must submit an original and two copies of the summons for each defendant.

Upon submission, the deputy clerk will review your filings for completion. A computer program assigns a case number and randomly selects the **district judge**. A **magistrate judge** may also be designated for your case.

HOW DOES THE DEFENDANT LEARN ABOUT THE LAWSUIT?

Each **defendant** must be notified about the lawsuit (served with process). The case will not go forward against a defendant who has not been served. Rule 4 of the Federal Rules of Civil Procedure explains the steps and the time limit for securing proper service.

(1) *IF YOU PAID THE FILING FEE,* the clerk will sign (issue) an original **summons** and one copy for each defendant. The clerk retains the original summons for the court's file and returns a signed copy to you.

It is your responsibility to serve each defendant properly. Improper service may result in the dismissal of your case. You may not serve the summons yourself. *Rather*, the summons, **complaint,** and financial disclosure statement may be served on each defendant as follows:

- Personal service by any person over the age of 18 who is not a party to the case.
- Certified mail, return receipt requested, by any person over the age of 18 who is not a party to the case.
- Service by a United States Marshal or appointed person if the court grants your request.

You can also ask each defendant to waive service by sending a copy of the complaint, a Notice of Lawsuit and Request for Waiver of Service (**Form AO 398**), and a Waiver of Summons (**Form AO 399**). For the plaintiff, the benefit of waiving service is not having to pay the cost of serving the summons. A defendant who waives service is allowed extra time – 60 days - to respond to the complaint. The United States and some other parties cannot waive service.

(2) *IF THE COURT GRANTS YOUR IFP APPLICATION AND ALLOWS YOUR CASE TO PROCEED,* the deputy clerk will issue the summons that you prepared. Typically, the judge will direct

the clerk to forward the summons and complaint to the United States Marshals Service to serve each defendant. However, the court may require you to serve the summons and complaint. You should follow the judge's instructions.

HOW IS SERVICE PERFECTED ON THE UNITED STATES, ITS AGENCIES, CORPORATIONS, OFFICERS OR EMPLOYEES?

You should read Rule 4(i) of the Federal Rules of Civil Procedure which explains this process.

(1) **When the United States of America is a defendant** (e.g., John Doe v. United States), service may be perfected:

- By either (a) delivering the summons and complaint to the United States Attorney for the district where the complaint is filed; or, (b) sending the summons and complaint by registered or certified mail to the attention of the civil process clerk in the United States Attorney's Office in the district where the complaint is filed, as follows:

  United States Attorney for the Eastern District of North Carolina
  Civil Process Clerk
  150 Fayetteville Street, Suite 2100
  Raleigh, NC 27601

  AND

- By sending the summons and complaint by registered or certified mail to the United States Attorney General in Washington, D.C. as follows:

  Attorney General of the United States
  U.S. Department of Justice
  950 Pennsylvania Avenue NW
  Washington, D.C. 20530

- If your complaint challenges the validity of an order of an officer or agency not listed as a party to your case, the summons and complaint must also be served on the officer or agency that issued the order by registered or certified mail.

(2) **When a federal officer, agency, or corporation is a defendant** (e.g., John Doe v. Commissioner of Social Security; Jane Doe v. Internal Revenue Service), service may be perfected

- By following the steps listed above to serve the United States Attorney and Attorney General; and

- By sending the summons and complaint by registered or certified mail to the federal officer, agency, or corporation named as a defendant.

IF YOU DO NOT PERFECT SERVICE WITHIN 90 DAYS FROM THE DATE THE COMPLAINT IS FILED, YOUR CASE MAY BE DISMISSED. ALSO, YOU MUST FILE WITH THE CLERK PROOF OF SERVICE ON EACH DEFENDANT. SEE RULE 4(l) AND (m) OF THE FEDERAL RULES OF CIVIL PROCEDURE.

HOW DO YOU FILE A MOTION?

You may need to ask the judge to instruct the opposing party to do something connected to your case, or you may need to ask the judge to allow you to do something. When you request the court to take specific action, you do so by filing a **motion** with the Clerk. For example, you may ask the judge to direct the **defendant** to give you access to certain records during the **discovery** phase of your case, or ask the judge to grant you an extension of time to file a document. Another example is a dispositive motion, such as a motion to dismiss, motion for **summary judgment**, or motion for judgment on the pleadings. A dispositive motion may resolve an issue or end the case before trial.

Some of the court's basic procedural rules for motions are contained in Local Civil Rules 6.1, 7.1, 7.2 and 10.1. Local Civil Rule 7.2 limits the length of a brief in support of a motion or in response to a **motion** to 30 pages. You must file a separate motion requesting leave, or permission, to file a longer brief. The Local Civil Rules also set deadlines for the time to respond to motions.

As with all other documents filed with the court, you must provide a copy of the motion and memorandum to each party. These documents must include a certificate of service. Rule 5 of the Federal Rules of Civil Procedure tells you how to serve documents filed with the court after the original **complaint**.

Motions are usually decided by the court without a hearing requiring the parties to appear before the judge. If a judge decides to hold a hearing, the Clerk's Office will send you a notice of the date, time, and location of the hearing.

HOW DO YOU RECEIVE DOCUMENTS FILED IN THE CASE?

Motions filed by other parties should be sent to you by the moving party via mail. Court orders or notices will be sent to you by mail. If you are not represented by an attorney and are not currently incarcerated, you may choose to receive documents in your civil cases electronically (via a link sent by email) instead of by mail.

If you would like to receive documents electronically, and not by mail, you must (1) sign up for a PACER login and password and (2) complete and sign the Pro Se Consent & Registration Form to Receive Documents Electronically. Registering to receive documents electronically does not allow you to electronically file your documents. Information on how to register for a PACER

account is available at https://www.pacer.gov/reg_pacer.html. The Pro Se Consent & Registration Form is available at http://www.nced.uscourts.gov/ or at any staffed Clerk's Office.

WHAT IF YOU MOVE WHILE YOUR CASE IS PENDING?

Local Civil Rule 83.3 requires you to provide written notice to the court of your new address within 14 days. The court may dismiss your case if you fail to file a timely change of address.

HOW CAN YOU DISMISS YOUR LAWSUIT?

Once you have filed your case, you must follow the court's orders and diligently pursue your action. If you change your mind and no longer would like to proceed, you may dismiss your action. Rule 41 of the Federal Rules of Civil Procedure explains voluntary and involuntary dismissals.

DEFENDING A CIVIL CASE

If you are served with a summons and a civil **complaint**, you may defend only yourself against the **plaintiff's** claims. Unless you are an attorney, you are not allowed to represent a corporation even if you are the owner or an officer. A corporation may only be represented by an attorney. Keep in mind that you should seriously consider obtaining professional legal assistance.

The Federal Rules of Civil Procedure set a deadline for you to **answer** or respond to a complaint. Typically, you must file an answer or responsive **motion** within 21 days after being served with the summons and **complaint**. If you receive a request to waive service, you must return the form to the plaintiff within 30 days of the date the Notice of Lawsuit and Request for Waiver was mailed to you. If you sign the "Waiver of Service," you are allowed 60 days from the date the plaintiff mailed the waiver to respond to the complaint. You may file your answer or responsive motion by mailing or bringing it to one of the staffed Clerk's offices.

Your response should include the case caption that appears on the complaint. The answer should state any defenses you have to the plaintiff's claims and admit or deny the allegations in the complaint. You should request a jury in your answer, if you would like a jury trial.

When you file your answer or responsive motion, you must also file a financial disclosure statement and a notice of self-representation. See Federal Rule of Civil Procedure 7.1 and Local Civil Rules 5.2 and 7.3.

You must mail a copy of everything you file with the court to the plaintiff's attorney or the plaintiff (if he or she is pro se) and to any additional party. You must attach a certificate of service to these documents.

If you have been served with a summons and complaint or you were served with a complaint and agreed to waive service and you do not file an answer or other response, the plaintiff may ask the Clerk of Court to enter default and the Court to order a **default judgment** against you. See Federal Rule of Civil Procedure 55.

All documents filed with the court are identified by a caption. When you fill out your complaint, you must list the full names of all parties to the lawsuit in the caption, the case number, the division, and the title of the document. The case number is assigned by the Clerk's Office upon receipt of the case-opening documents. You must include the case number on all documents you file after the complaint. Local Civil Rule 40.1(c) explains how to select the right division.

SAMPLE CAPTION:

In the United States District Court For the Eastern District of North Carolina _____ Division No. _____		
A. Smith, Plaintiff, v. B. Jones, T. Johnson R. Thomas, and XYZ, Inc., Defendants.	))))))))	TITLE (e.g., Complaint, Answer or Motion to Dismiss)

SAMPLE CERTIFICATE OF SERVICE:

I certify that I have served a copy of (insert name of document – e.g. motion for an extension of time) on insert date by (insert method of service – e.g. U.S. Mail or certified mail, return receipt requested) on the following: (insert names of attorneys and any party who appears pro se).

Your signature
Your typed or printed name
Your complete address
Your telephone number

THE DISTRICT'S FEE SCHEDULE

(EFFECTIVE DECEMBER 1, 2023)

Filing Fees

Civil Complaint or State Court Removal	$405.00—includes a $55.00 administrative fee (The administrative fee does not apply to persons granted IFP status under 28 U.S.C. § 1915 or for applications for a writ of habeas corpus)
Notice of Appeal to the Court of Appeals	$605.00 – includes $5 docketing fee
Miscellaneous Case, Out of District Subpoena, Registration of Foreign Judgment, Power of Attorney	$52.00

Miscellaneous Fees

Photocopies made by Court personnel (per page)	$ 0.50
Photocopies of documents printed from CM/ECF (per page)	$ 0.10
Tape Reproductions	$ 34.00
Record Searches (per name or item searched of the district court records)	$ 34.00
Retrieval of one box of records from a Federal Records Center, National Archives, or other storage location removed from the place of business of the court	$ 70.00 ($43 for each additional box) **For electronic retrievals, $11 plus any charges assessed by the Federal Records Center, National Archives Center, or other storage location removed from the place of business of the court
Certifications (each)	$ 12.00
Exemplification of any document or page	$ 24.00
Returned Check Fee	$ 53.00

FORMS/RULES AVAILABLE AT THE CLERK'S OFFICES OR ON THE DISTRICT'S WEBSITE:

- Civil Cover Sheet (JS 44)
- Summons (AO 440)
- Waiver of Service
- In Forma Pauperis Application (AO 239)
- Complaint [General]
- Complaint [Employment Discrimination]
- Financial Disclosure Statement
- Notice of Self-Representation
- Rule 4 of the Federal Rules of Civil Procedure
- Pro Se Consent & Registration Form to Receive Documents Electronically

WHAT IF YOU CANNOT AFFORD TO PAY THE FILING FEE?

If you cannot afford to pay the filing fee, you may file an application to proceed **in forma pauperis** ("IFP application") (**Form AO 239**).

The IFP Application asks you questions about your income and assets. You must follow the instructions completely, answer truthfully, and sign the application. The deputy clerk will send the IFP application, the **complaint**, and any other documents you submitted with the complaint to the assigned **district judge** or a **magistrate judge**.

After reviewing your IFP application, the judge may deny your request. If this happens, you have thirty days to pay the filing fee. Local Civil Rule 3.2 states that your case will be closed if you do not pay the filing fee on time. The judge may also find that your IFP application is incomplete. You must follow the judge's instructions and respond within the time allowed.

If the judge allows you to proceed in forma pauperis, the judge then will review your complaint to determine if it is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks relief against a **defendant** who is immune from such relief. This process is called a "frivolity review." The judge may allow your case to proceed or dismiss some or all of your claims.

WHAT SHOULD THE COURT PAPERS LOOK LIKE?

Local Civil Rule 10.1 provides the format requirements for all documents filed with the court. Below is a summary only of some of the requirements.

Each document filed with the court:

- must be on standard sized (8 ½ x 11) paper with a one-inch margin on all sides
- must have a font size of 11 points or greater
- must contain the case number and the caption of the case
- must identify the title of the document (e.g., Complaint, Answer, Motion to Dismiss)
- must contain your original signature and date on the final page, followed by your typed or printed name (in the exact form as your signature), address, and telephone number
- must include a completed certificate of service

YOUR DOCUMENTS SHOULD BE TYPED OR WRITTEN NEATLY AND LEGIBLY.

YOU SHOULD ALWAYS MAKE A COPY OF EVERY DOCUMENT FOR YOUR OWN RECORDS.

Complaints, **motions**, **briefs**, or other documents sent to the judge or Clerk of Court in the form of a letter do not comply with the Federal Rules or Local Rules.

WHAT ARE THE LOCATIONS AND BUSINESS HOURS OF THE OFFICES OF THE CLERK OF COURT?

The headquarters of the **Clerk of Court** ("Clerk") is in Raleigh. The Clerk also has staffed offices in Greenville, New Bern, and Wilmington. The Clerk's Offices are open Monday through Friday, with the exception of federal holidays or by order of the court. You may obtain complaint packets, forms, and information about procedures, fees, and rules at any staffed office and on the District's website.

GREENVILLE	**NEW BERN**	**RALEIGH**	**WILMINGTON**
U.S. Courthouse 201 South Evans St., Room 209 Greenville, NC 27858	U.S. Post Office & Courthouse 413 Middle Street New Bern, NC 28560	Physical address: Terry Sanford Federal Building & Courthouse 310 New Bern Avenue Raleigh, NC 27601 Mailing Address: PO Box 25670 Raleigh, NC 27611	2 Princess Street. Wilmington, NC 28401
(252) 830-6009 8:30 a.m. – 4:30 p.m.	(252) 638-8534 8:00 a.m. – 5:00 p.m.	(919) 645-1700 8:30 a.m. – 4:30 p.m.	(910) 815-4663 8:30 a.m. – 4:30 p.m.

HOW DO YOU FIND INFORMATION ABOUT THE STATUS OF YOUR CASE?

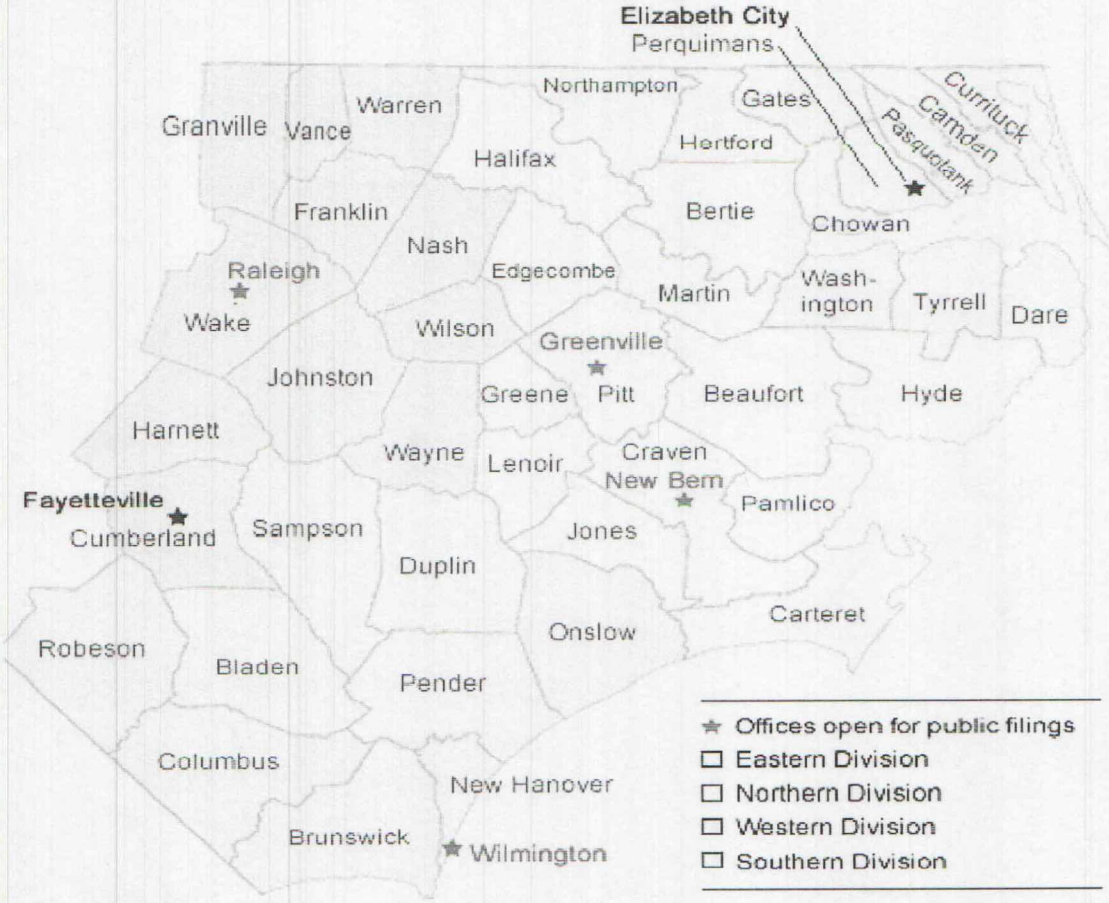
Most documents filed with the court are filed electronically. The clerk's office is responsible for uploading documents filed by pro se parties into the Case Management/Electronic Case Files ("CM/ECF") system. The Clerk's Office maintains a record, or **docket**, for every case. The CM/ECF system allows public access to the court's docket. You may review the docket on a public access terminal at the Clerk's offices in Greenville, New Bern, Raleigh, and Wilmington. The deputy clerks may limit the time that you are allowed to use the public access terminal. Depending on their availability, Clerk's Office staff may help you find information about your case on the public access terminal. You may also obtain case information through the federal judiciary's Public Access to Court Electronic Records ("PACER"). PACER is available to anyone who registers for an account at http://www.pacer.gov/. The Clerk's Office will also provide basic docket information over the phone.

HOW MUCH DOES IT COST TO FILE A LAWSUIT?

The filing and administrative fee for opening a civil action in any U.S. District Court is $405.00. Payment may be made in cash, by personal check, or money order made payable to Clerk, U.S. District Court. You may also pay by credit card. American Express, Mastercard, and Visa are accepted.

THE DISTRICT, CLERK'S OFFICE, AND GENERAL COURT INFORMATION

The United States District Court for the Eastern District of North Carolina ("the District") covers the forty-four counties shown on this map. The District is divided into four divisions – Eastern, Western, Northern, and Southern. Court is held in six cities in the District: Elizabeth City, Fayetteville, Greenville, New Bern, Raleigh, and Wilmington.



Northern Division	Eastern Division	Western Division	Southern Division
Bertie	Beaufort	Cumberland	Bladen
Camden	Carteret	Franklin	Brunswick
Chowan	Craven	Granville	Columbus
Currituck	Edgecombe	Harnett	Duplin
Dare	Greene	Johnston	New Hanover
Gates	Halifax	Nash	Onslow
Hertford	Hyde	Vance	Pender
Northampton	Jones	Wake	Robeson
Pasquotank	Lenoir	Wayne	Sampson
Perquimans	Martin	Warren	
Tyrrell	Pamlico	Wilson	
Washington	Pitt		

August 2024